

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS

In re application of	)	
Robert L. Lundak	)	Examiner: J. Tarcza
Serial No. 247,656	)	Art Unit: 172
Filed: March 26, 1981	)	
For: HIGH FUSION FREQUENCY	)	DECLARATION OF
FUSIBLE LYMPHOBLASTOID	)	ROBERT L. LUNDAK
CELL LINE	)	

San Francisco, **RECEIVED**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**SEP 17 1984**

**BOARD OF APPEALS**

Sir:

I, Dr. Robert L. Lundak, do hereby declare as follows:

I am the inventor of the subject matter claimed in the subject application. I previously submitted a declaration that on March 26, 1981, the filing date of the subject application, and at all times thereafter, the WI-L2-729 HF<sub>2</sub> hybridoma cell line was stored at the University of California, Riverside, at three separate locations, including my own laboratory, the laboratory of Dr. Bruce Devens and the laboratory of Dr. Richard Lubin. I further declared that multiple ampules of the cell line were stored in liquid nitrogen at each location. The purpose of the separate storage at different locations was to assure the permanent maintenance of the cell line and to protect against accidental loss. I also declared that the cell line was stored at the laboratory of Dr. John Lewis, at the Loma

Linda University Medical Center and was maintained at that laboratory as further protection against its loss.

The statements concerning the maintenance of the cell line at both the laboratories of Dr. Richard Lubin and Dr. John Lewis are based on my own knowledge, since during the period in question, I worked with my colleagues in their laboratories with the subject cell line. Therefore, I am able to speak to the fact that these cell lines were maintained at the above laboratories during the period from the time of filing to the time of deposit of the subject hybridoma, and thereafter.

I further declare that the cell line WI-L2-729 HF<sub>2</sub> is the cell line which is the subject matter of the subject application and was the cell line which was forwarded to the A.T.C.C. and received by the A.T.C.C. on April 2, 1981, was the same cell line which was the subject matter of the patent application, was the same cell line which was distributed by me to my three colleagues for maintenance, was the same cell line with which I worked with them during the period March 26, 1981 to April 2, 1981 and thereafter, and since that time has been made publicly available to both commercial and non-commercial parties who have requested the subject cell line.

I further state that it is my practice and conventional in the field of immunology to use a single designation for a cell line and continue to use that designation for the cell line, including subsequent passages of the same cell line, so long as the characteristics remain substantially constant.

In conclusion, I can speak of my own knowledge that WI-L2-729 HF<sub>2</sub>:

(1) is the subject matter of the subject application and my invention and designates a specific cell line, which is the sole cell line having that designation;

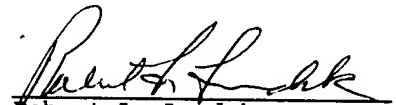
(2) ampules of that cell line were sent to the A.T.C.C. and received by the A.T.C.C. on April 2, 1981;

(3) on or before March 26, 1981 and until April 2, 1981 and thereafter and until this day the subject cell line WI-L2-729  $\text{HF}_2$  has been maintained by me in viable form and has been distributed to others for their use and investigation.

The undersigned declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

9/6/84

  
Robert L. Lundak